

**Hearing Date: April 23, 2024 at 10:00 a.m. (prevailing Eastern Time)**  
**Objection Deadline: April 16, 2024 at 4:00 p.m. (prevailing Eastern Time)**

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:	:	
4D FACTORY, INC., <i>et al.</i> <sup>1</sup>	:	Chapter 11
Debtors.	:	(Subchapter V)
	:	Case No. 23-11618 (MEW)
	:	(Jointly Administered)
-----x		
THE 4D FACTORY LLC,	:	
v.	:	Plaintiff,
MARK LONG, <i>et al.</i> ,	:	Adv. Proceeding No. 24-01319
and	:	Defendants,
NEON MACHINE, INC., <i>et al.</i> ,	:	<b>NEON FOUNDERS' NOTICE OF MOTION TO DISMISS 4D AMENDED COMPLAINT</b>
Nominal Defendants.	:	
-----x		
AND ALL RELATED CONSOLIDATED ACTIONS.	:	
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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtors' federal tax identification number, are 4D Factory Inc. (6770), and The 4D Factory LLC (8935).

**PLEASE TAKE NOTICE** that upon the accompanying memorandum of law and the exhibits, memoranda, and authorities referenced and incorporated therein, Defendants Mark Long, Colin Foran, Naomi Lackaff, Aaron Nonis, Don Norbury, Mark Yeend, and Calvin Zhou, (together, the “Neon Founders”), by and through their undersigned counsel, respectfully move this Court (the “Motion”), before the Honorable Michael E. Wiles, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004 for an order dismissing Counts One and Two, Counts Four and Five, Counts Seven through Nine, and Counts Eleven and Twelve of the Amended Complaint [ECF No. 4], with prejudice, pursuant to Rules 8, 9, and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to this action by Rules 7008, 7009, and 7012 of the Federal Rules of Bankruptcy Procedure, and providing for such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that a hearing on the relief requested in the Motion will be held before the Honorable Michael E. Wiles on **April 23, 2024, at 10:00 a.m., prevailing Eastern Time**, and any party wishing to participate may do so telephonically by making arrangements through CourtSolutions LLC (<https://www.court-solutions.com>).

**PLEASE TAKE FURTHER NOTICE** that the deadline for any responses to the Motion is **April 16, 2024, at 4:00 p.m. prevailing Eastern Time**.

**PLEASE TAKE FURTHER NOTICE** that if no objection is timely filed and served, the Court may grant the relief requested in the Motion without a hearing or further notice.

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Dated: March 29, 2024  
New York, New York

**PAUL HASTINGS LLP**

/s/ Avram E. Luft  
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